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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,330	01/23/2004	Satoru Tanaka	1046.1306	4953

21171 7590 04/02/2007  
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WASHINGTON, DC 20005

EXAMINER
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HO, THOMAS M

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/762,330

Applicant(s)

TANAKA, SATORU

Examiner

Thomas M. Ho

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication; even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-14 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3,4, 5, 7, 8, 9, 11, 12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Janis, US patent 5263158.

In reference to claim 1:

Janis (Column 6, lines 25-45) & (Figure 4) discloses a security management device including:

- A security detection unit detecting a security level of an apparatus, where the apparatus is the user system(Column 4, lines 15-30), and where the security detection unit receives and determines the access intent level. (Column 6, lines 25-40) & (Figure 4, Items 72, 74, 86)
- A judging unit judging by comparing the security level of the apparatus with a predetermined level, where the judging unit is the reference monitor which determines if the security level of the apparatus (Column 6, lines 25-45) & (Figure 4, Items 86)

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- An access control unit, in case the judging unit judges that the security level of the apparatus does not reach the predetermined level, restricting an access permission range of the apparatus, where the access range that is restricted is from the minimum permission range to the access intent desired by the user. (Column 6, lines 25-40) & (Figure 4, Items 82, 84, 86)

In reference to claim 3:

Janis discloses a security management device according to claim 1, wherein the access control unit has a function of selecting a communication route of the apparatus and, in case the judging unit judges that the security level of the apparatus does not reach the predetermined level, changes a communication destination of the apparatus to a specified device, where the communication destination change is the message sent out to the requesting device information that access has been denied. (Column 6, lines 20-25)

In reference to claim 4:

Janis discloses a security management device according to claim 3, wherein the specified device sets the security level of the apparatus or provides a setting guide to the apparatus, where the security level of the user requestor is set to the access level based on the profile. (Column 5, lines 20-68) & (Figure 4, Items 72, 74, 78)

Claims 5 to 8 are rejected for the same reasons as claims 1-4.

Claims 9 to 13 are rejected for the same reasons as claims 1-4.

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Claim 14 is rejected for the same reasons as claim 4.

*Claim Rejections - 35 USC § 102/ 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,6,10, 13 are rejected under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) as being unpatentable over Janis, US patent 5263158.

In reference to claim 2:

Janis discloses a security management device according to claim 1, wherein the access control unit, in case the judging unit judges that the security level of the apparatus reaches the predetermined level, sets a range wider than the restriction range as the access the permission range of the apparatus.

Janis (Column 6, lines 45-67) discloses that there are multiple levels of access available for a given resource. For instance, a user may have a right to view a file, but not to update the file.

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Janis does not explicitly disclose any explicit example of multiple levels of access, but one of ordinary skill in the art would be understand from Janis that specific implementations would be created as needed.

For example:

Suppose (Column 5, lines 65-68) discloses a resource to be access with three possible levels of access rights.

Level 1 authority consists of viewing the file.

Level 2 consists of viewing and updating the file.

Level 3 consists of viewing, updating, and deleting the file.

If a user computer tries to access the resource to view and update the file, the reference monitor will determine whether the requestor has sufficient access rights. If the requestor does not, the range of viewing and updating the file is denied. (Column 6, lines 25-45) and (Figure 4)

If however, the requestor does have the rights, then the requestor has access rights at least equivalent to the range *including* viewing and updating. Thus, in the case the judging unit judges the security level of the apparatus reaches the predetermined level, the access permission has set a range wider than the restriction range.

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Although any implementation of differing levels of access rights is not explicitly recited, the implementations are understood by those of ordinary skill in the art to be decided by the skillful practitioner as needed.

Claims 6, 10, 13 are rejected for the same reasons as claim 2.

### *Conclusion*

6. The following art not relied upon is made of record:

- US patent 4984272 discloses a secure file handling system
- US patent 6795904 discloses a method of restricting access based on security levels restricting particular domains of memory.
- US patent 6178505 discloses a method of securing delivery of information using encryption access levels, where the access levels allow access based on a security policy.

7. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799.

The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

March 28<sup>th</sup>, 2006



Benjamin E. Lanier  
Examiner BU 2132